

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

APPLETREE MONTESSORI, LLC, SP 2013-PR-044 Appl. under Sect(s). 8-301 of the Zoning Ordinance to permit a home child care facility. Located at 8809 Arlington Blvd., Fairfax, 22031, on approx. 41,216 sq. ft. of land zoned R-1. Providence District. Tax Map 48-4 ((1)) 41. (Decision deferred from 8/7/13 and 1/8/14.) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 12, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. This was a difficult case initially. Much of the problem was that the Board did not have clear information at the time of the staff report.
2. The case has been deferred multiple times since then. The Board has since gotten an addendum to the staff report, and staff has changed its recommendation from denial to approval.
3. There have been a number of changes to the application and further responses from different departments in the County to some of the concerns.
4. The changes since the publication of the original staff report have helped. The removal of a lot of the gravel in front of the house will help with the appearance of it, as will the additional landscaping.
5. The parking situation has been tightened up and clarified, and the area reduced and defined.
6. The access to Arlington Boulevard has been modified such that the second access point has been removed, and some of the vegetation that was blocking the view before has been removed or addressed.
7. It is still not clear that this is the safest point in which to have the entrance onto Arlington Boulevard, but the Board has a pretty thorough traffic report from Wells and Associates. The Board has had detailed responses from the Transportation staff. There is a memorandum from Ms. Rodehaver. The Board had Mr. Davis' explanation this morning. The Transportation staff is now okay with this as modified.
8. There were also concerns about the sanitation capability of this lot and whether this use could operate with the existing septic field. That has been addressed in two ways. The Health Department has confirmed that what is there is operational, but more importantly, there is a development condition now basically confirming that if there is a problem, the use will have to shut down.

9. This is an area where there have been storm drainage problems in the past, but with the revisions to the conditions, and particularly Development Condition 16, that issue is adequately addressed.
10. The applicant has presented the additional information that staff needed and that the Board had requested.
11. With the further limitation that there only be twelve children, not just twelve more children over the applicant's children, that the impact of this use is going to be minimal.
12. The traffic generated by this use is a very tiny bit of the traffic on Route 50. What the applicant is proposing to do is adequate for the use. There is not going to be a right-turn lane, which would be difficult to justify financially with an operation as small as this, but staff was apparently okay with the 50-foot radius for the ingress/egress, the sole point of ingress/egress at this time.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Appletree Montessori, LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 8809 Arlington Boulevard, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit application plat prepared by Michael R. Albright of Christopher Consultants, dated January 30, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.

6. The maximum number of children on site at any one time shall be twelve, including the applicant's own children.
7. A minimum of seven (7) parking spaces shall be provided on the subject parcel within areas of existing paving, as well as a turnaround area.
8. There shall be no signage associated with the home child care facility.
9. The ingress/egress points to the site shall be upgraded as determined by the Virginia Department of Transportation (VDOT) and/or the Fairfax County Department of Transportation (FCDOT) to meet commercial access standards and include a 50-foot entrance radius.
10. The applicant shall ensure that there is a single point of vehicular access to the site from Route 50, as shown on the special permit plat.
11. Adequate sight distance shall be provided as determined by VDOT/FCDOT to meet their standards.
12. As depicted on the special permit application plat, and prior to establishment of the use, the applicant shall remove all gravel from the front yard area, both on the lot and in the adjacent right-of-way as shown in light gray, and the area of removed gravel, both on-site and off-site, shall be scarified and replanted with grass and/or ornamental vegetation.
13. The applicant shall not increase enrollment in the home child care facility beyond seven children until VDOT has approved the proposed site entry and issued all required permits.
14. Prior to establishment of the use, the applicant shall ensure that all conditions imposed by the Fairfax County Health Department relating to the property's septic system shall be met as required. Should the septic system fail, the use shall be suspended until the Fairfax County Health Department approves the applicant's measures taken to repair, replace the system, or connect to the public sewer system.

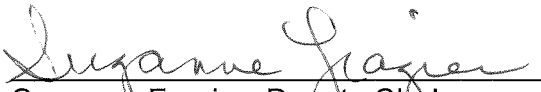
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional

time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals